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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 10/079,119      | 02/19/2002  | Edmund G. Lou        | SUNMP040            | 6772             |

25920 7590 07/03/2006

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| EXAMINER |
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AHLUWALIA, NAVNEET K

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| ART UNIT | PAPER NUMBER |
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2166

DATE MAILED: 07/03/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |   |                                   |  |
|------------------------------|---|-----------------------------------|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/079,119    | <b>Applicant(s)</b><br>LOU ET AL. |  |
|                              | <b>Examiner</b><br>Navneet K. Ahluwalia | <b>Art Unit</b><br>2166           |  |

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 31 March 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 15-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 1-14 are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 December 2005 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### **DETAILED ACTION**

1. This Office Action is in response to communication of response to election restriction requirement, filed on 31 March 2006. Claims 1 – 14 are withdrawn from consideration in view of the election of invention group II (claims 15 - 20) and Claims 15 – 20 are pending and stand rejected in this office action.

### ***Election/Restrictions***

2. Applicant's election with traverse of claims 15 – 20 (invention II) in the reply filed on 31 March 2006 is acknowledged. The traversal is on the ground(s) that the dependent claims cite similar claim limitations as that of the selected group. This is not found persuasive because the restriction is based on the independent claims and the independent claims cite different subject matter. The dependent claims only further limit the independent claims and with them being similar, it does not make the scope of the independent claim similar.

The requirement is still deemed proper and is therefore made FINAL.

3. The drawing replacement sheets and the changes made to the specification in communication received dated 12 December 2005 are accepted.

### ***Response to Arguments***

4. Applicant's arguments with respect to claims 1 – 15 in the response received on December 12 2005 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

7. Claims 15 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Paul V. Allen ('Allen' herein after) (US 6,665,625 B1) further in view of Narendra Patil ('Patil' herein after) (US 7,020,797 B2).

With respect to claim 15,

Allen discloses a system for generating an extensible markup language (XML) test result file, comprising: an application program that includes application testing instructions, the application testing instructions capable of generating test result data; an XML reporter object in communication with the application program, wherein the

XML reporter object receives the test result data from the application program (Figures 3A, 3B and 4A-2, column 13 lines 27 – 35, Allen), and wherein the XML reporter object processes the test result data to generate an XML based string; and an XML test results file in communication with the XML reporter object, wherein the XML reporter inserts the XML based string into the XML test results file (column 13 lines 35 – 44, Allen).

Allen however does not disclose the testing instructions and test data as claimed.

Patil teaches the testing instructions and the test data as claimed (column 10 lines 12 – 21, Patil).

It would have been obvious to one of ordinary skill in the art of data processing at the time of the present invention to combine the teachings of cited references because the two inventions are directed to testing data and conversions in an XML environment. Furthermore the testing data of Patil would make the functioning of Allen's system more reliable as there would be no real data lost in case of a system failure because of the use of test data (column 9 lines 7 – 21, Patil)

8. Claims 16 – 20 are rejected under the same rationale given for claim 15. The citations of the elements claimed and taught are listed below.

With respect to claim 16,

Allen discloses a system as recited in claim 15, wherein the XML test results file is a well formed and valid XML file based on a particular document type definition (DTD) (column 5 lines 40 – 55, Allen).

With respect to claim 17,

Allen discloses a system as recited in claim 15, wherein the XML reporter object further receives a key parameter related to the test result data from the application program (column 10 lines 1 – 10, Allen).

With respect to claim 18,

Allen discloses a system as recited in claim 17, wherein the XML reporter object includes a test results hash table for storing key parameters related to the test results file (column 12 lines 5 – 26, Allen).

With respect to claim 19,

Allen discloses a system as recited in claim 18, wherein the XML reporter object includes a file pointer tree having a plurality of nodes, each node referenced by a node pointer in the test results hash table (column 16 lines 12 – 34, Allen).

With respect to claim 20,

Allen discloses a system as recited in claim 19, wherein each node stores a begin value and an end value related to a particular key, wherein the begin value indicates a file position after a corresponding beginning tag related to the particular key, and wherein the end value corresponds to a file position after a corresponding ending

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tag related to the particular key (column 16 lines 12 – 34 and column 19 lines 52 – 67, Allen).

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Navneet K. Ahluwalia whose telephone number is 571-272-5636. The examiner can normally be reached on 8:30am - 5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alam T. Hosain can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Navneet K. Ahluwalia  
Examiner  
Art Unit 2166

  
MOHAMMAD ALI  
PRIMARY EXAMINER

Dated: 06/16/2006